

REMARKS

In the Office Action¹ mailed December 22, 2006, the Examiner rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Suguro et al. (U.S. Patent Application Publication No. 2002/0058400, hereafter "Suguro"); and rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Nikon Corp. (Japanese Patent Publication No. 07-153657, hereafter "Nikon").

By this Amendment, Applicants amend claims 1, 2, and 3. Claims 1-14 remain pending, with claims 13 and 14 withdrawn from consideration.

Applicants respectfully traverse the rejection of claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Suguro. In order to properly establish that Suguro anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, recites a method for fabricating a semiconductor device, comprising, for example, "preparing a stencil mask having a thin film portion . . . and a support portion . . . supporting the thin film portion; . . . and controlling the particle beam such that the support portion is irradiated with a fringe portion of the particle beam."

Suguro fails to teach at least these elements.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

The Examiner asserted, “a careful review of the figures shows the fringe of the beam exposing the support structure around the stencil mask, as claimed,” Office Action at page 4. The Examiner’s assertion, however, is incorrect.

Suguro discloses in paragraph [0093], “as shown in FIGS. 5A and 5B, a damaged region 504 is formed by performing an oblique ion implantation.” Further, Suguro discloses in paragraph [0174], “[a]s shown in FIG. 18, by irradiating an ion beam 2102 to a semiconductor substrate 2101 via a stencil mask, an ion implantation region 2103 can be formed in the lower portion of an opening 2006.” Accordingly, Suguro merely discloses irradiation of ion beams, which cannot constitute a teaching of “controlling the particle beam such that the support portion is irradiated with a fringe portion of the particle beam,” as recited in claim 1. Therefore, Suguro fails to teach each and every element of claim 1, and cannot anticipate claim 1.

Claims 2 and 3, while of different scope than claim 1, recite claim elements similar to that of claim 1. Accordingly, Suguro also cannot anticipate claims 2 and 3. Moreover, Suguro cannot anticipate claims 4-12 at least because claims 4-12 depend from claim 1 and require all the elements of claim 1.

Applicants respectfully traverse the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Nikon, because Nikon fails to teach each and every element of claim 1.

The Examiner asserted, “[i]t is clear that if the beam width is matched to the opening width that the fringe of the beam would expose the support structure,” Office Action at page 5. Applicants respectfully disagree.

Although the Abstract of Nikon discloses, "the irradiation width in the x-direction of the changed particle beam with reference to the mask 18 is adjusted so as to match the width in the x-direction of the individual pattern formation regions," Nikon contains no teaching of "preparing a stencil mask having a thin film portion . . . and a support portion . . . supporting the thin film portion," as recited in claim 1. Accordingly, Nikon's beam width is adjusted to match the width of individual pattern formation regions, not the support structure of a stencil mask. For this reason, Nikon fails to teach each and every element of claim 1, and cannot anticipate claim 1.

For the reasons set forth above, claims 1-12 are in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102(b).

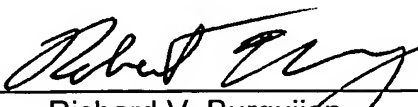
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 21, 2007

By:  #27432
for Richard V. Burguijan
Reg. No. 31,744